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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CISCO SYSTEMS, INC., a California
Corporation,
170 W. Tasman Drive
San Jose, CA 95134

and

CISCO TECHNOLOGY, INC., a California
corporation,
170 W. Tasman Drive
San Jose, CA 95134

Plaintiffs,

vs.

UNIT INTERNATIONAL TRADING LLC dba
T-NET TECHNOLOGY, a New Jersey
corporation,
14 Village Park Road
Cedar Grove, NJ 07009

and

BEYIN INFORMATION
TECHNOLOGY LLC, a New Jersey
corporation,
United D, 1st Floor
39 Plymouth Street

Civil Action No. 2:18-cv-00883-ES-JAD

**DEFENDANT UMIT SENCAN'S
ANSWER TO PLAINTIFFS'
COMPLAINT**

1 Fairfield, NJ 07004

2 and

3 BRYANT INFORMATION
4 TECHNOLOGY, a New Jersey
5 corporation,
6 39 Plymouth Street
7 Unit D, 1st Floor
8 Fairfield, NJ 07004

9 and

10 CANDELA NETWORK LLC, a New York
11 corporation,
12 14 Village Park Road
13 Cedar Grove, NJ 07009

14 and

15 USELIM LLC, a New York
16 corporation,
17 14 Village Park Road
18 Cedar Grove, NJ 07009

19 and

20 Andy Kocabas, an individual,
21 239 Vernon Ave., Apt. 2
22 Paterson, NJ 07503

23 and

24 Umit Sencan, an individual,
25 115 Pearl Brook Drive
26 Clifton, NJ 07013

27 and

28 Sarvar Nurullaev, an individual,
15935 Bent Tree Forest Circle #2
Dallas, TX 75248

1 and

2
3 ABC CORPORATIONS 1-25,

4 and

5 DOES 1-50,

6 Defendants.

7
8 Defendant UNIT SENCAN answers plaintiffs CISCO SYSTEMS, INC. and CISCO
9 TECHNOLOGY INC.'s complaint, as follows:

10 **AS TO THE INTRODUCTION**

11 1. Admitted to the extent that plaintiffs state the nature of their claims, as the
12 complaint speaks for itself. Otherwise, answering the allegations of paragraph 1 of the
13 complaint, defendant has no information or belief sufficient to enable him to answer the
14 allegations of said paragraph, and basing his denials on that ground, denies each and every, all
15 and singular, generally and specifically, the allegations of said paragraph.

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17 2. Answering the allegations of paragraph 2 of the complaint, defendant has no
18 information or belief sufficient to enable him to answer the allegations of said paragraph, and
19 basing his denials on that ground, denies each and every, all and singular, generally and
20 specifically, the allegations of said paragraph.

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23 **AS TO THE PARTIES**

24 3. Answering the allegations of paragraph 3 of the complaint, defendant has no
25 information or belief sufficient to enable him to answer the allegations of said paragraph, and
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1 basing his denials on that ground, denies each and every, all and singular, generally and
2 specifically, the allegations of said paragraph.

3 4. Answering the allegations of paragraph 4 of the complaint, defendant has no
4 information or belief sufficient to enable him to answer the allegations of said paragraph, and
5 basing his denials on that ground, denies each and every, all and singular, generally and
6 specifically, the allegations of said paragraph.
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8 5. Answering the allegations of paragraph 5 of the complaint, defendant has no
9 information or belief sufficient to enable him to answer the allegations of said paragraph, and
10 basing his denials on that ground, denies each and every, all and singular, generally and
11 specifically, the allegations of said paragraph.
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13 6. Answering the allegations of paragraph 6 of the complaint, defendant has no
14 information or belief sufficient to enable him to answer the allegations of said paragraph, and
15 basing his denials on that ground, denies each and every, all and singular, generally and
16 specifically, the allegations of said paragraph.
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18 7. Answering the allegations of paragraph 7 of the complaint, defendant has no
19 information or belief sufficient to enable him to answer the allegations of said paragraph, and
20 basing his denials on that ground, denies each and every, all and singular, generally and
21 specifically, the allegations of said paragraph.
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23 8. Answering the allegations of paragraph 8 of the complaint, defendant has no
24 information or belief sufficient to enable him to answer the allegations of said paragraph, and
25 basing his denials on that ground, denies each and every, all and singular, generally and
26 specifically, the allegations of said paragraph.
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1 9. Answering the allegations of paragraph 9 of the complaint, defendant has no
2 information or belief sufficient to enable him to answer the allegations of said paragraph, and
3 basing his denials on that ground, denies each and every, all and singular, generally and
4 specifically, the allegations of said paragraph.
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6 10. Admitted as to Defendant's address. Otherwise, denied.
7

8 11. Answering the allegations of paragraph 11 of the complaint, defendant has no
9 information or belief sufficient to enable him to answer the allegations of said paragraph, and
10 basing his denials on that ground, denies each and every, all and singular, generally and
11 specifically, the allegations of said paragraph.

12 12. Answering the allegations of paragraph 12 of the complaint, defendant has no
13 information or belief sufficient to enable him to answer the allegations of said paragraph, and
14 basing his denials on that ground, denies each and every, all and singular, generally and
15 specifically, the allegations of said paragraph.
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17 13. Answering the allegations of paragraph 13 of the complaint, defendant has no
18 information or belief sufficient to enable him to answer the allegations of said paragraph, and
19 basing his denials on that ground, denies each and every, all and singular, generally and
20 specifically, the allegations of said paragraph.
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22 14. Answering the allegations of paragraph 14 of the complaint, defendant has no
23 information or belief sufficient to enable him to answer the allegations of said paragraph, and
24 basing his denials on that ground, denies each and every, all and singular, generally and
25 specifically, the allegations of said paragraph.
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1 15. Answering the allegations of paragraph 15 of the complaint, defendant has no
2 information or belief sufficient to enable him to answer the allegations of said paragraph, and
3 basing his denials on that ground, denies each and every, all and singular, generally and
4 specifically, the allegations of said paragraph.
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6 16. Admitted insofar as defendant is a citizen and resident of the State of New Jersey.
7 Defendant denies the balance of the allegations contained in this paragraph.

8 17. Answering the allegations of paragraph 17 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Otherwise, answering the allegations of paragraph 17 of the
11 complaint, defendant has no information or belief sufficient to enable him to answer the
12 allegations of said paragraph, and basing his denials on that ground, denies each and every, all
13 and singular, generally and specifically, the allegations of said paragraph.
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15 **AS TO JURISDICTION**
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17 18. Answering the allegations of paragraph 18 of the complaint, defendant denies
18 each and every, all and singular, generally and specifically, the allegations of said paragraph
19 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
20 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
21 each and every, all and singular, generally and specifically, the remaining allegations of said
22 paragraph.
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24 19. Answering the allegations of paragraph 19 of the complaint, defendant has no
25 information or belief sufficient to enable him to answer the allegations of said paragraph, and
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1 basing his denials on that ground, denies each and every, all and singular, generally and
2 specifically, the allegations of said paragraph.

3 20. Answering the allegations of paragraph 20 of the complaint, defendant denies
4 each and every, all and singular, generally and specifically, the allegations of said paragraph
5 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
6 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
7 each and every, all and singular, generally and specifically, the remaining allegations of said
8 paragraph.
9

10 **AS TO VENUE**

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12 21. Answering the allegations of paragraph 21 of the complaint, defendant denies
13 each and every, all and singular, generally and specifically, the allegations of said paragraph
14 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
15 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
16 each and every, all and singular, generally and specifically, the remaining allegations of said
17 paragraph.
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19 **AS TO THE FACTUAL ALLEGATIONS**

20 22. Answering the allegations of paragraph 22 of the complaint, defendant has no
21 information or belief sufficient to enable him to answer the allegations of said paragraph, and
22 basing his denials on that ground, denies each and every, all and singular, generally and
23 specifically, the allegations of said paragraph.
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25 23. Answering the allegations of paragraph 23 of the complaint, defendant has no
26 information or belief sufficient to enable him to answer the allegations of said paragraph, and
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1 basing his denials on that ground, denies each and every, all and singular, generally and
2 specifically, the allegations of said paragraph.

3 24. Answering the allegations of paragraph 24 of the complaint, defendant has no
4 information or belief sufficient to enable him to answer the allegations of said paragraph, and
5 basing his denials on that ground, denies each and every, all and singular, generally and
6 specifically, the allegations of said paragraph.
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8 25. Answering the allegations of paragraph 25 of the complaint, defendant has no
9 information or belief sufficient to enable him to answer the allegations of said paragraph, and
10 basing his denials on that ground, denies each and every, all and singular, generally and
11 specifically, the allegations of said paragraph.
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13 26. Answering the allegations of paragraph 26 of the complaint, defendant has no
14 information or belief sufficient to enable him to answer the allegations of said paragraph, and
15 basing his denials on that ground, denies each and every, all and singular, generally and
16 specifically, the allegations of said paragraph.
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18 27. Answering the allegations of paragraph 27 of the complaint, defendant has no
19 information or belief sufficient to enable him to answer the allegations of said paragraph, and
20 basing his denials on that ground, denies each and every, all and singular, generally and
21 specifically, the allegations of said paragraph.
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23 28. Answering the allegations of paragraph 28 of the complaint, defendant has no
24 information or belief sufficient to enable him to answer the allegations of said paragraph, and
25 basing his denials on that ground, denies each and every, all and singular, generally and
26 specifically, the allegations of said paragraph.
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1 29. Answering the allegations of paragraph 29 of the complaint, defendant has no
2 information or belief sufficient to enable him to answer the allegations of said paragraph, and
3 basing his denials on that ground, denies each and every, all and singular, generally and
4 specifically, the allegations of said paragraph.
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6 30. Answering the allegations of paragraph 30 of the complaint, defendant has no
7 information or belief sufficient to enable him to answer the allegations of said paragraph, and
8 basing his denials on that ground, denies each and every, all and singular, generally and
9 specifically, the allegations of said paragraph.
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11 31. Answering the allegations of paragraph 31 of the complaint, defendant denies
12 each and every, all and singular, generally and specifically, the allegations of said paragraph
13 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
14 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
15 each and every, all and singular, generally and specifically, the remaining allegations of said
16 paragraph.
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18 32. Answering the allegations of paragraph 32 of the complaint, defendant denies
19 each and every, all and singular, generally and specifically, the allegations of said paragraph
20 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
21 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
22 each and every, all and singular, generally and specifically, the remaining allegations of said
23 paragraph.
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25 33. Answering the allegations of paragraph 33 of the complaint, defendant has no
26 information or belief sufficient to enable him to answer the allegations of said paragraph, and
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1 basing his denials on that ground, denies each and every, all and singular, generally and
2 specifically, the allegations of said paragraph.

3 34. Answering the allegations of paragraph 34 of the complaint, defendant denies
4 each and every, all and singular, generally and specifically, the allegations of said paragraph
5 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
6 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
7 each and every, all and singular, generally and specifically, the remaining allegations of said
8 paragraph.
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10 35. Admitted insofar as certain defendants exchanged correspondence with plaintiffs.
11 Defendant denies the balance of the allegations contained in this paragraph.
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13 36. Answering the allegations of paragraph 36 of the complaint, defendant denies
14 each and every, all and singular, generally and specifically, the allegations of said paragraph
15 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
16 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
17 each and every, all and singular, generally and specifically, the remaining allegations of said
18 paragraph.
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20 37. Answering the allegations of paragraph 37 of the complaint, defendant denies
21 each and every, all and singular, generally and specifically, the allegations of said paragraph
22 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
23 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
24 each and every, all and singular, generally and specifically, the remaining allegations of said
25 paragraph.
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1 38. Answering the allegations of paragraph 38 of the complaint, defendant has no
2 information or belief sufficient to enable him to answer the allegations of said paragraph, and
3 basing his denials on that ground, denies each and every, all and singular, generally and
4 specifically, the allegations of said paragraph.
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6 39. Answering the allegations of paragraph 39 of the complaint, defendant has no
7 information or belief sufficient to enable him to answer the allegations of said paragraph, and
8 basing his denials on that ground, denies each and every, all and singular, generally and
9 specifically, the allegations of said paragraph.
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11 40. Answering the allegations of paragraph 40 of the complaint, defendant has no
12 information or belief sufficient to enable him to answer the allegations of said paragraph, and
13 basing his denials on that ground, denies each and every, all and singular, generally and
14 specifically, the allegations of said paragraph.
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16 **AS TO COUNT I**

17 **Federal Trademark Infringement**

18 ***15 U.S.C. § 1114(1)(a)***

19 41. Answering the allegations of paragraph 41 of the complaint, defendant refers to
20 and incorporates his answer to the allegations of paragraphs 1 through 40 of plaintiffs' complaint
21 as if fully set forth herein.
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23 42. Answering the allegations of paragraph 42 of the complaint, defendant has no
24 information or belief sufficient to enable him to answer the allegations of said paragraph, and
25 basing his denials on that ground, denies each and every, all and singular, generally and
26 specifically, the allegations of said paragraph.
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1 43. Answering the allegations of paragraph 43 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
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8 44. Answering the allegations of paragraph 44 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
11 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
12 each and every, all and singular, generally and specifically, the remaining allegations of said
13 paragraph.
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15 45. Defendant has no information or belief sufficient to enable him to answer the
16 remaining allegations of said paragraph, and basing his denials on that ground, denies each and
17 every, all and singular, generally and specifically, the remaining allegations of said paragraph.
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19 46. Answering the allegations of paragraph 46 of the complaint, defendant denies
20 each and every, all and singular, generally and specifically, the allegations of said paragraph
21 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
22 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
23 each and every, all and singular, generally and specifically, the remaining allegations of said
24 paragraph.
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1 47. Answering the allegations of paragraph 47 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
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8 48. Answering the allegations of paragraph 48 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
11 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
12 each and every, all and singular, generally and specifically, the remaining allegations of said
13 paragraph.
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15 49. Answering the allegations of paragraph 49 of the complaint, defendant denies
16 each and every, all and singular, generally and specifically, the allegations of said paragraph
17 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
18 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
19 each and every, all and singular, generally and specifically, the remaining allegations of said
20 paragraph.
21

22 **AS TO COUNT II**

23 **Federal Trademark Counterfeiting**

24 ***15 U.S.C. § 1114(1)(b)***

1 50. Answering the allegations of paragraph 50 of the complaint, defendant refers to
2 and incorporates his answer to the allegations of paragraphs 1 through 49 of plaintiffs' first
3 amended complaint as if fully set forth herein.
4

5 51. Answering the allegations of paragraph 51 of the complaint, defendant denies
6 each and every, all and singular, generally and specifically, the allegations of said paragraph
7 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
8 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
9 each and every, all and singular, generally and specifically, the remaining allegations of said
10 paragraph.
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12 52. Answering the allegations of paragraph 52 of the complaint, defendant denies
13 each and every, all and singular, generally and specifically, the allegations of said paragraph
14 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
15 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
16 each and every, all and singular, generally and specifically, the remaining allegations of said
17 paragraph.
18

19 53. Answering the allegations of paragraph 53 of the complaint, defendant denies
20 each and every, all and singular, generally and specifically, the allegations of said paragraph
21 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
22 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
23 each and every, all and singular, generally and specifically, the remaining allegations of said
24 paragraph.
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54. Answering the allegations of paragraph 54 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

55. Answering the allegations of paragraph 55 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

56. Answering the allegations of paragraph 56 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

57. Answering the allegations of paragraph 57 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies

1 each and every, all and singular, generally and specifically, the remaining allegations of said
2 paragraph.

3 **AS TO COUNT III**

4 **False Designation of Origin**

5 ***15 U.S.C. § 1125(a)***

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7 58. Answering the allegations of paragraph 58 of the complaint, defendant refers to
8 and incorporates his answer to the allegations of paragraphs 1 through 57 of plaintiffs' complaint
9 as if fully set forth herein.

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11 59. Answering the allegations of paragraph 59 of the complaint, defendant denies
12 each and every, all and singular, generally and specifically, the allegations of said paragraph
13 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
14 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
15 each and every, all and singular, generally and specifically, the remaining allegations of said
16 paragraph.

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18 60. Answering the allegations of paragraph 60 of the complaint, defendant denies
19 each and every, all and singular, generally and specifically, the allegations of said paragraph
20 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
21 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
22 each and every, all and singular, generally and specifically, the remaining allegations of said
23 paragraph.

24
25 61. Answering the allegations of paragraph 61 of the complaint, defendant denies
26 each and every, all and singular, generally and specifically, the allegations of said paragraph
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1 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
2 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
3 each and every, all and singular, generally and specifically, the remaining allegations of said
4 paragraph.
5

6 62. Answering the allegations of paragraph 62 of the complaint, defendant denies
7 each and every, all and singular, generally and specifically, the allegations of said paragraph
8 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
9 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
10 each and every, all and singular, generally and specifically, the remaining allegations of said
11 paragraph.
12

13 **AS TO COUNT IV**

14 **Importation of Goods Bearing Infringing Marks or Names**

15 ***15 U.S.C. § 1124***

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17 63. Answering the allegations of paragraph 63 of the complaint, defendant refers to
18 and incorporates his answer to the allegations of paragraphs 1 through 62 of plaintiffs' complaint
19 as if fully set forth herein.

20 64. Answering the allegations of paragraph 64 of the complaint, defendant denies
21 each and every, all and singular, generally and specifically, the allegations of said paragraph
22 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
23 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
24 each and every, all and singular, generally and specifically, the remaining allegations of said
25 paragraph.
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1 65. Answering the allegations of paragraph 65 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
7

8 66. Answering the allegations of paragraph 66 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
11 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
12 each and every, all and singular, generally and specifically, the remaining allegations of said
13 paragraph.
14

15 67. Answering the allegations of paragraph 67 of the complaint, defendant denies
16 each and every, all and singular, generally and specifically, the allegations of said paragraph
17 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
18 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
19 each and every, all and singular, generally and specifically, the remaining allegations of said
20 paragraph.
21

22 **AS TO COUNT V**

23 **New Jersey Trademark Counterfeiting**

24 ***N.J.S.A. §§ 56.3-13.16***

1 68. Answering the allegations of paragraph 68 of the complaint, defendant refers to
2 and incorporates his answer to the allegations of paragraphs 1 through 67 of plaintiffs' complaint
3 as if fully set forth herein.

4 69. Answering the allegations of paragraph 69 of the complaint, defendant denies
5 each and every, all and singular, generally and specifically, the allegations of said paragraph
6 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
7 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
8 each and every, all and singular, generally and specifically, the remaining allegations of said
9 paragraph.
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11 70. Answering the allegations of paragraph 70 of the complaint, defendant denies
12 each and every, all and singular, generally and specifically, the allegations of said paragraph
13 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
14 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
15 each and every, all and singular, generally and specifically, the remaining allegations of said
16 paragraph.
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18 71. Answering the allegations of paragraph 71 of the complaint, defendant denies
19 each and every, all and singular, generally and specifically, the allegations of said paragraph
20 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
21 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
22 each and every, all and singular, generally and specifically, the remaining allegations of said
23 paragraph.
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1 72. Answering the allegations of paragraph 72 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
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8 **AS TO COUNT VI**

9 **New Jersey Unfair Competition**

10 ***N.J.S.A. §§ 56.4-1 et seq.***

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12 73. Answering the allegations of paragraph 73 of the complaint, defendant refers to
13 and incorporates his answer to the allegations of paragraphs 1 through 72 of plaintiffs' complaint
14 as if fully set forth herein.

15 74. Answering the allegations of paragraph 74 of the complaint, defendant denies
16 each and every, all and singular, generally and specifically, the allegations of said paragraph
17 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
18 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
19 each and every, all and singular, generally and specifically, the remaining allegations of said
20 paragraph.
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22 75. Answering the allegations of paragraph 75 of the complaint, defendant denies
23 each and every, all and singular, generally and specifically, the allegations of said paragraph
24 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
25 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
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1 each and every, all and singular, generally and specifically, the remaining allegations of said
2 paragraph.

3 76. Answering the allegations of paragraph 76 of the complaint, defendant denies
4 each and every, all and singular, generally and specifically, the allegations of said paragraph
5 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
6 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
7 each and every, all and singular, generally and specifically, the remaining allegations of said
8 paragraph.
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10 77. Answering the allegations of paragraph 77 of the complaint, defendant denies
11 each and every, all and singular, generally and specifically, the allegations of said paragraph
12 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
13 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
14 each and every, all and singular, generally and specifically, the remaining allegations of said
15 paragraph.
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17 78. Answering the allegations of paragraph 78 of the complaint, defendant denies
18 each and every, all and singular, generally and specifically, the allegations of said paragraph
19 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
20 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
21 each and every, all and singular, generally and specifically, the remaining allegations of said
22 paragraph.
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1 83. Answering the allegations of paragraph 83 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
7

8 84. Answering the allegations of paragraph 84 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
11 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
12 each and every, all and singular, generally and specifically, the remaining allegations of said
13 paragraph.
14

15 85. Answering the allegations of paragraph 85 of the complaint, defendant denies
16 each and every, all and singular, generally and specifically, the allegations of said paragraph
17 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
18 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
19 each and every, all and singular, generally and specifically, the remaining allegations of said
20 paragraph.
21

22 86. Answering the allegations of paragraph 86 of the complaint, defendant denies
23 each and every, all and singular, generally and specifically, the allegations of said paragraph
24 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
25 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
26
27

1 each and every, all and singular, generally and specifically, the remaining allegations of said
2 paragraph.

3 **AS TO COUNT VIII**

4 **Unjust Enrichment**

5
6 87. Answering the allegations of paragraph 87 of the complaint, defendant refers to
7 and incorporates his answer to the allegations of paragraphs 1 through 86 of plaintiffs' complaint
8 as if fully set forth herein.

9
10 88. Answering the allegations of paragraph 88 of the complaint, defendant denies
11 each and every, all and singular, generally and specifically, the allegations of said paragraph
12 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
13 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
14 each and every, all and singular, generally and specifically, the remaining allegations of said
15 paragraph.

16 **AFFIRMATIVE DEFENSES**

17
18 Defendant alleges the following additional reasons plaintiffs are not entitled to recover
19 anything against him:

20 1. The complaint and each alleged cause of action therein fails to state facts
21 sufficient to constitute a cause of action against defendant.

22
23 2. The complaint and each alleged cause of action therein is barred by the failure of
24 consideration and conditions precedent.

25 3. The complaint and each alleged cause of action therein is barred by the doctrine
26 of unclean hands.

4. The complaint and each alleged cause of action therein is barred by the doctrine of laches.

5. The complaint and each alleged cause of action therein is barred by the statute of frauds.

6. The complaint and each alleged cause of action therein is barred by the parol evidence rule.

7. The complaint and each alleged cause of action therein is barred by the actions, inactions, delays in acting, and/or omissions of plaintiffs, which constitute an estoppel, waiver, release, and/or consent both in fact and in law.

8. The complaint and each alleged cause of action therein is barred by the applicable statutes of limitations.

9. The complaint and each alleged cause of action therein is barred in that any acts or omissions by defendant was in good faith and defendant had reasonable grounds for believing that his conduct did not violate any provision of state or federal laws or regulations.

10. Plaintiffs failed and neglected to use reasonable care to protect themselves and to minimize or mitigate the alleged injuries, losses, and damages, if any, which are denied.

11. Plaintiffs knowingly, voluntarily, and unreasonably assumed the risk of the conduct, events, and matters alleged in their first amended complaint, and any injuries, losses, or damages referred to in their complaint, if any there were, which are denied, was the direct and proximate result of the risks so assumed.

12. Should plaintiffs recover from defendant, defendant is entitled to indemnification, either in whole or in part, from all persons and/or entities whose negligence and/or fault contributed to plaintiffs' injuries, losses, and damages, if any, which are denied.

13. The complaint and each alleged cause of action therein is barred in that defendant was not the cause in fact or the legal and/or proximate cause of plaintiffs' injuries, losses, and damages, if any, which are denied.

14. The complaint and each alleged cause of action therein is barred in that plaintiffs acknowledged, ratified, consented to, and/or acquiesced in the alleged actions, inactions, delays in acting and/or omissions of defendant, if any, which are denied.

15. The complaint and each alleged cause of action therein are barred by the doctrine of unjust enrichment.

16. The complaint and each alleged cause of action therein is barred in that there is a defect or misjoinder of parties, lack of standing, and the failure to join all indispensable parties herein.

17. The complaint and each alleged cause of action therein is barred in that any injuries, losses, and damages which were allegedly suffered by plaintiffs, which are denied, was the result of the independent actions, inactions, delays in acting, omissions and/or fault of persons or entities other than defendant for which defendant was not and is not legally responsible, and defendant did not participate, partake or was otherwise involved in the purchase and sales of plaintiffs' alleged products.

18. The complaint and each alleged cause of action therein is barred by the doctrine of fair use.

1 19. The complaint and each alleged cause of action therein is barred by the first sale
2 doctrine.

3 20. The complaint and each alleged cause of action therein is barred by the
4 prior use doctrine.
5

6 21. The complaint and each alleged cause of action therein is barred in that any
7 alleged damages are speculative and uncertain and not the proximate result of any actions,
8 inactions, delays in acting, and/or omissions of defendant.

9 22. The complaint and each alleged cause of action therein is barred in that
10 plaintiffs do not own or control the rights allegedly giving rise to plaintiffs' claims against
11 defendant.
12

13 23. The complaint and each alleged cause of action therein is barred in that
14 plaintiffs abandoned their rights and registrations, if any, which are denied, through
15 discontinued use with the intent not to resume such use and/or through their course of conduct
16 that caused their rights and registrations, if any, which are denied, to become a generic name
17 for their products.
18

19 24. The complaint and each alleged cause of action therein is barred to the extent
20 plaintiffs seek to hold defendant liable as an innocent infringer, if any infringement there be,
21 which is denied.
22

23 25. The complaint and each alleged cause of action therein is barred to the extent
24 that plaintiffs' state common law claims and unfair competition and business practices claims
25 are preempted by federal law.
26
27
28

1 26. The complaint and each alleged cause of action therein is barred in that
2 defendant's co-defendants were allegedly given permission and/or consent to buy and sell used,
3 refurbished, and/or aftermarket products.
4

5 27. The complaint and each alleged cause of action therein fails to state facts
6 sufficient to entitle plaintiffs to an award of attorney's fees against defendant.

7 28. The complaint and each alleged cause of action therein fails to state facts
8 sufficient to entitle plaintiffs to an award of punitive damages against defendant.

9 29. Any award of punitive damages against defendant would violate his rights to due
10 process under the United States and New Jersey Constitutions in that the standards and
11 procedures by which a jury may award punitive damages allows the jury unlimited discretion in
12 making its determination.
13

14 30. Plaintiffs do not describe their complaints herein with sufficient particularity to
15 permit defendant to ascertain what other defenses may exist. Defendant reserves the right to
16 assert all other defenses which may pertain to the first amended complaint as plaintiff's claims
17 are clarified.
18

19
20 **AS TO PLAINTIFFS' JURY DEMAND**

21 Defendant denies that plaintiffs are entitled to a trial by jury on all issues in their
22 complaint.
23

24 **WHEREFORE**, defendant pray for judgment as follows:

- 25 1. That plaintiffs take nothing by their complaint and that the same be dismissed;
26 2. For defendant's costs of suit herein incurred;
27

- 1 3. For defendant's reasonable attorneys' fees; and
2 4. For such other and further relief as this Court may deem just and proper.
3

4 **DEFENDANT'S DEMAND FOR JURY TRIAL**
5

6 Defendant hereby demands a trial by jury on all issues herein so triable.
7

8 Dated: September 20, 2018
9

10 THE LAW OFFICES OF
11 BRADLEY S. ROTHSCHILD, LLC

12 /s/ Bradley S. Rothschild

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